

## **REMARKS**

Claims 15-46 are pending and rejected. Claims 15, 17-28, 32 are amended. Claims 29, 32-34, and 37-46 are canceled without prejudice.

New dependent claims 47 and 48 are supported in the originally filed specification at least at p. 13, lines 8-9 and 14-15 ("Specific examples of biomolecules include ... dihydroxyindolecarboxylic acid and other melanin producing biosynthetic intermediates for melanoma...").

Applicants thank the Examiner for the personal interview on July 26, 2006 with the undersigned representative. As required, Applicant states that the substance of the interview was the pending claims and rejections.

Applicants provide this Amendment solely to facilitate prosecution. Applicants assert that the claims prior to this Amendment met the requirements under 35 U.S.C. §112, ¶¶ 1 and 2. For example, adequacy of disclosure is judged from the perspective of one of ordinary skill in the art; to this end, Applicants have filed four Declarations under 37 C.F.R. §1.132 demonstrating enablement and adequate description. Further, written description does not contain a length requirement, nor are examples, actual reduction to practice, or recitation of structure of a biological macromolecule required. *Falkner v. Inglis* 79 USPQ2d 1001 (Fed. Cir. 2006).

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112**

Claims 15-46 are rejected under 35 U.S.C. §112 ¶1 as containing subject matter not described in the specification so as to enable one skilled in the art to make and/or use the invention.

The non-canceled claims are amended to recite administration of the sulfonate compound in a topical formulation with at least one excipient to a target tissue where the targeting moiety is dihydroxyindolecarboxylic acid. Thus, the claims are sufficiently definite because the Examiner's position with respect to binding specificity is obviated ("Perhaps if the claims were limited to treating skin cancers, and limited also to topical administration (to the affected area), the issue of binding specificity would not be so critical." p. 7 pending Office Action). The amended claims also permit accumulation at the target tissue at least because there is direct administration at the target site. The amended claims also obviate the Examiner's position (pp. 9-10 pending Office Action) with respect to dose administered to target tissue versus dose administered to animal, because they are now the same.

The objection to the typographical error in claim 37 is overcome because claim 37 is canceled.

Claims 15-46 are rejected under 35 U.S.C. §112 ¶2 as not distinctly claimed. The non-canceled claims are amended, overcoming the rejections.

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## **CONCLUSION**

For the foregoing reasons, Applicants submit that all the rejections have been overcome and that the application is in condition for allowance.

No fees are believed due. If any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

The Examiner is invited to contact applicants' undersigned representative with any questions.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

A handwritten signature in cursive script, reading "Beverly A. Lyman".

By:

Beverly A. Lyman, Ph.D.

Reg. No. 41,961

2700 Carew Tower  
441 Vine Street  
Cincinnati OH 45202  
513 241 2324  
513 241 6234 facsimile